

# TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes  
August 12, 2008 7:00 p.m.

**PRESENT:** Gary Butler, Bob Byerly, Joe Fumich, Dave Hanoute, Ed Kempisty, Mark Meisel, Laurie Radcliffe

**ABSENT:**

**CALL TO ORDER:** 7:00 p.m. by Chairman Hanoute

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

1) Agenda request of Frank Portelli

Mr. Portelli said his Land Division request had been tabled at the July 22, 2008 meeting. He had altered the drawings and maintenance agreement as required and asked to be added to the Agenda for approval of his request as directed by the Planning Commission on July 22, 2008.

Mr. Meisel recommended adding Mr. Portelli's request to the Agenda with consideration of a conditional approval in order to allow his request to go before the Board at their next meeting. He also asked to include a brief discussion of Article 27, Table 27.1.

Mr. Hanoute scheduled Mr. Portelli's request as New Business, Item 3, and discussion of Article 27 as ZBA Report, Item 1.

**APPROVAL OF THE AGENDA:**

Moved by Meisel, seconded by Fumich, to approve the Agenda as amended.  
Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

1) July 22, 2008 - Planning Commission Minutes

Moved by Butler, seconded by Kempisty, to approve the July 22, 2008 Minutes as corrected. Ayes: Butler, Kempisty, Fumich, Byerly, Meisel. Abstention: Radcliffe.  
The motion carried by majority vote.

Page 3, Line 32: (Mr. **Meisel** commented...)  
Page 3, Line 37: (...with an alleged **Quit Claim Deed**...)  
Page 3, Line 43: (...Livingston County **will be** enforced...)  
Page 4, Line 5: (...called for a **vote on** the motion)  
Page 4, Line 14: (... there was a detached ~~ched~~ garage...)  
Page 5, Line 1: (Mr. Hanoute ~~said~~ asked Mr. Portelli...)

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Page 5, Line 41: (...legal descriptions, correcting the numbers...)  
Page 5, Line 42: (...and an addition of a drawing note...)  
Page 6, Line 14: (...from the Detached Residential Lakeside...)  
Page 7, Line 13: (...seemed to be working on something.)  
Page 7, Line 21: (Where a another large...)  
Page 7, Line 31: (...new categories until all of the existing...)

**CORRESPONDENCE:**

- 1) Letter from Township Assessor Bruce Little related to the Bantle Land Division
- 2) E-mail from Mark Meisel regarding proposed Old Business Item 3
- 3) E-mail from Township Attorney John Harris regarding the Schulz Special Land Use Permit Hearing

Mr. Hanoute asked to have the Correspondence placed on file

**OLD BUSINESS:**

- 1) Review of the requested revision to the Future Land Use Plan, Table 19, page 84

Tyrone Township Planner Sally Hodges of McKenna Associates presented a copy of the Table showing that the “less than” sign was removed from the table as requested. Review of the article’s text clearly indicates that the sign is not consistent with the intent, so no further action will be required.

- 2) Review of the revised Table of Permitted and Special Uses for the PIRO District (8-5-08)

Ms. Hodges said that she had provided a list of PIRO uses as the first step in structuring the PIRO District sub-areas. Most of the uses in the existing ROM, M-1 and M-2 districts are included in the list with some additions and subtractions based upon comparison with other communities, particularly those with strong office and research districts.

Mr. Meisel suggested using some sort of notation in columns where an occupation is not permitted (NP or X). Mr. Hanoute asked if there would be a legend stating what the “P” and “S” designations mean. Ms. Hodges said that will be included on every page when the document is finalized.

In regard to addition of commercial banquet centers and health centers to Box 4 on Page 2, Ms. Hodges explained that the PIRO district was intended to focus on the district as a location for research or industrial office uses. Appropriate secondary commercial uses were referenced on Page 3, Box 3. Commercial uses within the PIRO District should be included as part of a complex, not as free standing uses, and possibly limited to a percentage of the principal uses within the PIRO district.

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Responding to questions about Page 3, Box 1, Ms. Hodges commented that free standing ATM kiosks tend to under-utilize valuable land area when they are located in prime commercial or industrial locations. Under Prohibited Uses (Page 7, 1.a), Ms. Hodges said she could include a specific reference to teller machines or other small units apart from the prohibited uses on Page 7 (Block 6) to clarify the intent of the regulations regarding free standing uses. She intended to delete Corporate Fitness Centers (Box 3.e, Page 3) as well. Corporate Fitness Centers and Recreation Facilities should be secondary uses in the industrial area. She recommended restricting the PIRO district to uses that wouldn't bring children or families into the area aside from business.

Mr. Hanoute questioned allowing banks and credit unions in the PIRO District. He wondered why the Township would want to have banks and credit unions taking up frontage along the freeway. Mr. Meisel suggested permitting some type of small campus environment which traditionally includes a day care center, a bank or other financial institution, and small eateries. Mr. Hanoute commented that he has seen many communities fill their industrial property with types of uses which shouldn't be located there. Then they wind up trying to find parcels for industrial uses where they shouldn't be located. Ms. Hodges said it would be simple to move banks and credit unions into the secondary category as attached uses and limit the percentage of the overall area that can be taken up by those uses.

Mr. Hanoute asked Ms. Hodges to give the industrial area located in Section 20 some consideration while she was reviewing primary and secondary industrial uses. That Section is not part of the PIRO district. He wondered about locating mini-warehouses and vehicle collision repair facilities in an industrial area as special uses rather than permitted uses. Ms. Hodges said in most communities, those uses are permitted in a heavy business district or light industrial district. The difference between light industrial and heavy industrial use is that the light industrial uses typically have a people door on the front where people can walk in and there is a people building scale. Heavy industrial uses are primarily scaled for trucks, not people.

Mr. Kempisty asked how communication towers would be regulated. Mr. Hanoute said there is a section in the existing Zoning Ordinance that deals with towers as a Special Land Use (21.32).

During review of Page 6, Mr. Hanoute recommended that the uses listed in Box 1 be considered as special uses in the Light Industrial district. Mr. Meisel asked about the propane sales referenced in Box 7 relative to the current propane facility location. Mr. Hanoute explained that the property was rezoned to B-2, probably for the sale of propane appliances and fuel. It will eventually become a PCS parcel, but the site probably still won't be considered as conforming. Ms. Hodges said that bulk storage of petroleum products is usually located in heavy industrial areas, but if there is a retail component and the facility is located in a light industrial area, there should be a limit on the amount of fuel stored.

Ms. Hodges observed that the PIRO plan doesn't fit classical zoning very well. Since the PIRO district combines three separate zoning uses within a single area, she recommended

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adopting overlay zoning districts. State law requires that a zoning district treat permitted uses uniformly throughout the district. The underlying PIRO district would provide the basic standards for all uses within the PIRO area, primarily based on research and office uses. On top of that would be placed an overlay for light industrial use or an overlay for general industrial use which will require additional standards.

Ms. Hodges asked if the Planning Commission had made a decision about Township rezoning of the PIRO area as a whole, or whether they would wait until someone requests a rezoning. If an applicant comes to the Township with a request, they might ask for a PIRO rezoning with a general industrial overlay. The development would have to conform to the uniform requirements for the PIRO district and the additional requirements for uses allowed in the general industrial category. She said she would bring further overlay information for the next meeting.

3) Discussion of the Bantle Estate property

Dave Kurtz and Steve Nagy of the Township Board attended the meeting to comment on the Township Board's action regarding the Bantle Land Division request. Mr. Kurtz explained that the Board returned the request to the Planning Commission because a document was filed with the County Register of Deeds that doesn't match the legal descriptions or the drawings provided for the proposed Parcel B remainder following the land division. The easements are not described correctly and they created a parcel (C) that was 67 feet wide by 720 feet long as part of Parcel B, except they moved some other lot lines so it doesn't connect with Parcel B. The Board offered to sit down with the Bantles to ask them what they wanted to do with their property.

Mr. Meisel said that over and above the land division the Planning Commission looked at, the Board found that the legal descriptions didn't match the drawing. They were OK with the parcel the Planning Commission created (A), but not with Parcel B. We want to make sure we understand the concerns of the Board and help them determine what items don't comply with our Ordinance. The drawings will be discussed at a meeting with the Bantles, two Board members and it was proposed two Planning Commission members on August 26, 2008.

Mr. Hanoute asked if there would be something to review. Mr Kurtz referred to a copy of the document included in the Planning Commission packet of June 22, 2008, and told the Planning Commission that all of the parcels shown on the Desine Engineering site drawing were recorded. Before the Bantles make a new recording, we have to agree on what they can do. So far, they have agreed to increase the length of the easement to the Parcel B remainder.

Mr. Hanoute thought that the Engineer who prepared the drawing should tell the Bantles what to do. Mr. Kurtz said the problem is that the surveyor wasn't doing what he was told and what is recorded is not what was approved. Mr. Meisel said the big concern is to clean it up so the drawings match what the records show.

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Mr. Hanoute still thought the surveying company should offer the solutions. That is what the Bantles paid them for. Mr. Meisel said the purpose of the meeting is to discuss the problems with the Bantles and their Attorney, understand what the requirements are, arrive at a configuration and then get a drawing that matches.

Mr. Kurtz stated that the problems have been identified, but we have to clean up the parcels left by a farmer who sold off bits and pieces of his property over the years with driveways running all through it. We should give the owners directions to take to their engineer.

Mr. Meisel explained that the Board's thinking was that the meeting on the 26<sup>th</sup> at 10:00 a.m. should include two Planning Commission members. That way, when the request comes back to the Planning Commission there will be two people that know what was decided, why it was decided, and how. Mr. Kurtz commented that the Bantle family doesn't understand the Ordinance. We need to tell them what they have to do to accommodate what they want to do. They have been put on notice that if Parcel A is sold, there will be a \$1,000.00 fine.

Mr. Hanoute and Mr. Kempisty volunteered to attend the meeting with Mr. Kurtz and Mr. Nagy.

**NEW BUSINESS:**

- 1) Request of **Erin Cassavoy** for Special Land Use Permit renewal to use the property at 10441 Denton Hill Road, OS Parcel 11-200-012, as the Christian Day Montessori School and Day Care Center. The property was formerly used by Wooden Shoe Day Care.

Ms. Cassavoy said that she was leasing the site with an option to purchase. Improvements have been made to the site and she was waiting for the inspection report from the State of Michigan. She asked about the original Special Land Use Permit and was informed that a copy could not be found on file at the Township.

Ms. Cassavoy told the Planning Commission that she plans to provide services for 28 children, but the building has the capacity for 50 children; state agencies inspect and regulate the use of the site based on the size of building and size of the play area; the state's inspector did not appear to be concerned about the size of the existing play area; previous day care operators were not required to apply for a Special Land Use Permit; site lighting is controlled by a timer from 6:15 a.m. to 7:00 p.m.; there is overhead lighting on the outside of the building; trash storage will be located on the north side of the building behind a fence, but they will not require a dumpster; and the site has been vacant for a little less than one year.

Mr. Hanoute said he had concerns about the site deficiencies. The site drawing is not drawn to scale so none of the dimensions can be calculated; all outside lighting should be shielded for the neighbor's benefit; the parking area is not striped as shown on the submitted site drawing; the number of parking spaces will have to meet the Zoning

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Ordinance requirements; trash receptacles must be screened from view and located behind the front of the building; the playground dimensions and area should be shown on the site drawing; the play area must comply with the Ordinance requirements of 150 square feet per child or 5,000 square feet of area, whichever is greater; the playground fencing should be removed from the parking area, and the parking areas need to be striped.

If a Special Land Use Permit wasn't issued previously, he strongly recommended a public hearing so the neighbors can express their concerns. Ms. Hodges commented that it would be reasonable to hold a Public Hearing if the Township didn't have a record of the Special Use Permit. The permit would also provide protection for future users of the site.

Ms. Cassavoy said she planned to start school on September 3, 2008 and has already taken reservations. Mr. Fumich commented that he hasn't seen many cars in front of the building in the last 12 years although the prior occupant supposedly had 50 children in the facility. Ms. Cassavoy said that the only cars that remain on the site would belong to the workers. For the last three years, the building didn't run at capacity. Mr. Fumich replied that his concern was about accidents at the driveway since it didn't have good visibility onto Denton Hill Road. He asked if she had investigated a school sign.

Ms. Cassavoy explained that there is usually one student per car. The building will be open from 6:30 in the morning to 6:00 at night. There are seldom more than 4 cars delivering children at the same time. Mr. Hanoute told her she would need 11 or 12 parking spaces at a minimum. The parking needs to be reconfigured and the playground fencing has to be removed from the parking area. There are other things that should be done before the opening, but we might be able to give you a conditional approval and then hold a public hearing later before issuing a Special Land Use Permit.

Site drainage is another concern. The water runs down from the road into the parking and play areas. Ms. Cassavoy said she had contacted a master plumber who was going to give her information about drainage. Mr. Hanoute explained that drainage from the parking lot goes across the small playground onto the neighboring property causing erosion that washes down onto the neighbors. The runoff needs to be directed to a drainage ditch.

Ms. Radcliffe asked about fire protection. Mr. Hanoute said that is all regulated by the state and is not something the Planning Commission has to review.

Ms. Cassavoy told the Planning Commission she plans to begin with 3 employees and 38 students and expand to 4 employees when she reaches 50 students. Mr. Hanoute reminded Ms. Cassavoy to include all of that information in her Special Land Use Statement because the Permit will be issued and enforced based on the Special Use Permit language.

Mr. Hanoute asked for a sketch of the parking lot showing that 11 cars can be accommodated based on the Zoning Ordinance requirements. The site plan will have to show the length and width of the spaces, the width of any aisle spaces, the location and

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size of the loading/unloading zone, and the handicapped parking areas. If all of the parking can be located in the parking area without moving the fences, they can remain where they are for the present. The parking sketch should be provided before the school is open.

Mr. Hanoute commented that a Public Hearing should be scheduled as soon as possible in order to comply with the Zoning Ordinance permitting process. Ms. Cassavoy asked if a Public Hearing would be required if the old Special Use Permit is found. Mr. Hanoute replied that there are enough safety concerns about the site to require a new Public Hearing.

Mr. Meisel suggested that we require Ms. Cassavoy to return with a sketch showing that she can configure the parking lot to accommodate 11 vehicles and then issue a temporary permit. Mr. Van Heck said he could issue a conditional permit based on a specific expiration date. Mr. Hanoute suggested issuing a conditional permit until November 1, 2008. That would allow time for a public hearing and approval of the Special Land Use Permit conditions. In terms of parking, the sketch has to be ready for Planning Commission review prior to the opening of the facility.

Moved by Radcliffe, seconded by Butler, to issue a temporary Special Land Use Permit, allowing Erin Cassavoy temporary occupancy and use of the facility at 10441 Dean Road, until November 10, 2008, contingent upon provision of a sketch of the existing parking dimensions and area validating that it will accommodate 11 parked vehicles in a manner compliant with the Zoning Ordinance requirements (Article 25.00) for loading and unloading, handicapped access, and the width and length of parking spaces by August 21, 2008. Motion carried by unanimous voice vote.

- 2) Request of **Steve and Kimberly Schulz** for a Special Land Use Permit Public Hearing to review their request to operate a dog kennel (GoldRocks) at 10136 Gordon Road, FR parcels 28-100-016 (approximately 5.94 acres) and 28-100-017 (approximately 17.06 acres V/L) to raise and train service dogs.

Moved by Meisel, seconded by Radcliffe, that unless the application is withdrawn at the request of the Applicant or the Township Attorney we schedule a Public Hearing for Tuesday, September 9, 2008 at 7:30 p.m. for the request of Steve and Kimberly Schulz for a Special Land Use Permit to operate a kennel at 10136 Gordon Road. Motion carried by unanimous voice vote.

- 3) Request of **Frank Portelli** for Land Division of property at 9215 Center Road, FR Parcel 17-200-007, to create two parcels accessed by a shared driveway. The existing structures on the site will be demolished

Mr. Portelli told the Planning Commission that the Shared Driveway Maintenance Agreement was revised to refer to the parcels by address and legal description. An open space calculation chart was added to the legal descriptions and the required 50 foot setback from an existing easement on the west property line was shown on the drawing.

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The Planning Commission noted that the Open Space Calculation Chart and the amount of Open Space shown on the Site Drawing didn't agree; the net South Parcel area (minus the Center Road right-of-way) should equal two acres; a notation regarding removal of the garage from the access easement was added to the site drawing; open space maintenance language was included in the legal description of the North Parcel; and the portion of the shared driveway access easement located on the South Parcel was described.

Mr. Porterlli questioned the 150 foot front yard setback for the North (Parent) Parcel. Mr. Hanoute explained that a 50 foot setback is allowed for parcels fronting on private roads or shared driveways. Parcels which connect with a section line road in an FR district require 150 foot setbacks. Mr. Hanoute reminded Mr. Portelli to make sure that the net area of the parcels is noted on the site drawing.

Moved by Meisel, seconded by Fumich, to remove Mr. Portelli's request from the table. Motion carried by unanimous voice vote.

Moved by Meisel, seconded by Butler, to forward to the Township Board Frank Portelli's request for land division of property at 9215 Center Road with a recommendation for approval to set off a proposed "North Parcel" and a proposed "South Parcel" to be accessed by a shared driveway, conditional upon correction of the legal descriptions and site drawings to show the correct parcel measurements and setbacks. Motion carried by unanimous voice vote.

Mr. Hanoute explained that Mr. Portelli would have to correct the drawing and bring it back for review by Zoning Administrator Van Hecke and Recording Secretary Burtch prior to review by the Board. Mr. Meisel asked if Mr. Portelli could hand mark the areas of the site drawing which needed to be corrected. Mr. Hanoute told Mr. Portelli that the survey, the legal descriptions and the site drawings have to match when they are sent to the Board for review.

Mr. Meisel asked if the request could be forwarded to the Board if the revised drawings were brought to the Township by Monday before the board meeting (August 25, 2008). The drawings should be at the Township not later than mid-day on Monday so the Board could see them. Mr. Byerly thought the Board would be able to review the request if the drawings arrived by Monday.

**OTHER BUSINESS FROM MEMBERS:**

**ZONING ADMINISTRATORS REPORT:**

- 1) Mr. Hanoute said he would like to have a discussion with Mr. Van Hecke regarding front yard parking sometime in the future.



**ZONING BOARD OF APPEALS REPORT:**

1) Revisions to Zoning Ordinance Article 27, the Sign Ordinance

Mr. Meisel commented that during review of the Sign Ordinance relative to the Preserve, the ZBA reviewed the footnotes to table 27.1. The table references footnotes 1 through 8, but there is no reference for footnotes 2, 3, and 8. Mr. Meisel wondered if they were general footnotes which applied to all of the signs or just to specific signs. Mr. Hanoute said that Footnote 8 was located next to Billboards in the table's M-1 column, but he couldn't find the others.

Mr. Meisel recommended review and revision of the Sign Ordinance table in the future.

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

PIRO Standards Overlay Standards

**NEXT MEETINGS:**

September 9, 2008 - Regular Meeting

September 23, 2008 - Regular Meeting

**ADJOURNMENT:** 9:20 p.m.

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission